

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Rackspace US, Inc. and Rackspace Hosting, Inc.
Petitioner

v.

PersonalWeb Technologies, LLC and Level 3 Communications, LLC.
Patent Owner

Case IPR2014-00066
Patent 6,928,442

Title: ENFORCEMENT AND POLICING OF LICENSED CONTENT USING
CONTENT-BASED IDENTIFIERS

**JOINT REQUEST TO KEEP SEPARATE PURSUANT TO 35 U.S.C. §
317(b) AND 37 C.F.R. § 42.74**

Patent Owner and Petitioner (together, "the Parties"), have reached a settlement and executed a Settlement Agreement regarding U.S. Patent No. 6,928,442 ("the '442 Patent"), filed concurrently herewith as Exhibit 1017. The Parties jointly request that the Board treat the Settlement Agreement as business confidential information and keep it separate from the file of the involved patent.

I. **Statement of Precise Relief Requested**

The Parties jointly request that the Board treat the Settlement Agreement (Exhibit 1017) as business confidential information and keep it separate from the file of the involved patent, and made available only to Federal Government agencies on written request or to any person only on a showing of good cause, as provided for in 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74.

II. **Statement of Reasons for the Relief Requested**

The Parties have executed a Settlement Agreement regarding their disputes relating to the '442 Patent. The Settlement Agreement addresses this *Inter Partes* Review, as well as disputes regarding the '442 Patent involved in *PersonalWeb Tech. LLC et al v. Rackspace US, Inc. et al.*, No. 6-12-cv-00659 (E.D. Tex.). The Settlement Agreement provides that the terms of the Settlement Agreement are confidential.

The Petitioner has filed, concurrently herewith, a copy of the Settlement Agreement (Exhibit 1017) with the Board, as required by 35 U.S.C. § 317(b) and

37 C.F.R. § 42.74. Exhibit 1017 was filed in the PRPS system to provide availability to “Parties and Board Only.” The Parties jointly request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the involved patent, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Jointly submitted,

/David W. O'Brien/

David W. O'Brien
Registration No. 40,107
HAYNES AND BOONE, LLP

Attorney for Petitioner

/Joseph A. Rhoa/

Joseph A. Rhoa
Registration No. 37,515
NIXON & VANDERHYE PC

*Attorney for Patent Owner
PersonalWeb*

October 16, 2014

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CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.105, that
service was made on the Patent Owner as detailed below.

Date of service October 16, 2014

Manner of service By email upon counsel of record listed below

Document served Parties' Joint Request to Keep Separate

Persons served Joseph A. Rhoa (jar@nixonvan.com)
Updeep S. Gill (usg@nixonvan.com)
NIXON & VANDERHYE P.C.
901 North Glebe Road, 11th Floor
Arlington, VA 22203

/David W. O'Brien/

David W. O'Brien
Registration No. 40,107

PETITIONER'S EXHIBIT LIST

October 16, 2014

Exhibit	Description
RACK-1001	U.S. Patent No. 6,928,442
RACK-1002	USPTO File Wrapper for U.S. Patent No. 6,928,442, including the prosecution history of U.S. Application No.: 09/987,723.
RACK-1003	USPTO File Wrapper for Ex Parte Reexamination 90/010,260
RACK-1004	U.S. Patent No. 5,649,196, ("Woodhill")
RACK-1005	U.S. Patent No. 4,845,715, ("Francisco")
RACK-1006	U.S. Patent No. 6,135,646, ("Kahn")
RACK-1007	Albert Langer, "Re: dl/describe (File descriptions)," article < 1991Aug7.225159.786@newshost.anu.edu.au > in Usenet newsgroups "alt.sources.d" and "comp.archives.admin" (August 7, 1991)
RACK-1008	Decision, Institution of <i>Inter Partes</i> Review, IPR2013-00082
RACK-1009	Decision, Institution of <i>Inter Partes</i> Review, IPR2013-00083
RACK-1010	Declaration of Dr. Melvin Ray Mercer in support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. 6,928,442
RACK-1011	Declaration of Dr. Narasimha Reddy in support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. 6,928,442
RACK-1012	B. Reid, "USENET READERSHIP SUMMARY REPORT FOR AUG 91" (Sept. 1, 1991)
RACK-1013	B. Reid, "USENET Readership report for Aug 91" (Sep. 1, 1991)
RACK-1014	J.S. Quarterman, <i>The Matrix</i> (1990)

Parties' Joint Request to Keep Separate
IPR2014-00066 (U.S. Patent No. 6,928,442)

Exhibit	Description
RACK-1015	G. Todino et al., Using UUCP and Usenet (1991)
RACK-1016	(Expunged)
RACK-1017	Confidential